

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8(a) and 1.10

I hereby certify that this correspondence and attached documents are, on the date shown below, being:

- ☒ deposited with the United States Postal Service in an envelope addressed to:
Assistant Commissioner for Patents, Washington, DC 20231
☒ with sufficient postage as first class mail (37 CFR 1.8(a))
☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (37 CFR 1.10)

- ☐ transmitted by facsimile to the Patent and Trademark Office

On: June 29, 1998

By: W. Jane F. Traubinger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of:

Docket No.: 2833.43

J.C. Knutson et al.

Group No.: 1205

Serial No.: 08/907,658

Examiner: Criares, T.

Filed: August 8, 1997

FOR: METHOD FOR TREATING AND PREVENTING SECONDARY HYPERPARATHYROIDISM

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
(37 CFR 1.321(c))

Assistant Commissioner for Patents
Washington, DC 20231

Sirs:

Identification of Person(s) Making This Disclaimer

I, Teresa J. Welch

(a) represent that I am

- ☐ an inventor of this invention.
☐ an assignee of this invention.
☐ a representative authorized to sign on behalf of the assignee identified below.
☒ the attorney of record for this invention.

Identity of Assignee and Title of Disclaimant (if applicable)

The assignee is

Name of Assignee Bone Care International, Inc.

Address of Assignee 313 West Beltline Highway, Madison, Wisconsin 53713

Title of Disclaimant authorized to sign on behalf of assignee Attorney of record

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention as follows:

Recordal of Assignment in PTO (if applicable)

- ☒ The assignment was recorded on 3 April 1995, at Reel 7498, Frame 0210.
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or ☐ FORM PTO 1595 is also attached.

Establishing Right of Assignee to Take Action (37 CFR 3.73(b)) (if applicable)

- ☒ Attached is a CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patent No. 5,707,980, as presently shortened by any terminal disclaimer
- ☐ Any patent granted on Application No. _____

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☒ United States Patent No. 5,707,980
- ☐ Any patent granted on Application No. _____

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of

- ☒ United States Patent No. 5,707,980, as presently shortened by any terminal disclaimer
- ☐ Any patent granted on Application No. _____

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status (37 CFR 1.20(d))

- ☐ Other than a small entity—fee \$ _____.
☒ Small entity—fee \$ 55.00.
☐ A verified statement is attached.
☒ A verified statement was already filed in Application Serial No. 08/415,488 (now, U.S. Pat. No. 5,602,116) on April 13, 1995.

Fee Payment

- ☒ Attached is a check in the sum of \$ 55.00.
☐ Charge Deposit Account 19-4715 the sum of \$ _____. A duplicate of this disclaimer is attached.
☒ Authorization to Charge Additional Fees. The Commissioner is hereby authorized to charge any other fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 CFR 1.16-1.18 (deficiency only) now or hereafter relative to this Application and the resulting Official document under 37 CFR 1.20, or credit any overpayment to Account No. 19-4715 for which purpose a duplicate copy of this sheet is attached. **This statement does NOT authorize charge of the issue fee.**

Declaration

As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

Date: 29 June 1998

Signature(s) of Disclaimant(s)

Teresa J. Welch
SIGNATURE OF ATTORNEY

Teresa J. Welch
(Type or print name of attorney)

Reg. No. 33,049
STROUD, STROUD, WILLINK, THOMPSON & HOWARD
25 West Main Street, Suite 300
P.O. Box 2236
Madison, WI 53701-2236
(608)257-2281

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On: June 29, 1998

By: Diane J. Frauchiger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of:

Docket No.: 2833.43

J.C. Knutson et al.

Group No.: 1205

Serial No.: 08/907,658

Examiner: Criares, T.

Filed: August 8, 1997

FOR: METHOD FOR TREATING AND PREVENTING SECONDARY HYPERPARATHYROIDISM

Patent No.: _____ **Issue Date:** _____

Reexamination No.: _____ **Issue Date:** _____

Reissue No.: _____ **Issue Date:** _____

**CERTIFICATE UNDER 37 CFR 3.73(b) ESTABLISHING RIGHT OF
 ASSIGNEE TO TAKE ACTION**

Assistant Commissioner for Patents
 Washington, DC 20231

Sir:

1. The assignee(s) of the entire right, title and interest hereby seek to take action in the PTO in this matter.

Identification of Assignee

2. Name of Assignee: Bone Care International, Inc.
 Type of Assignee: Corporation

Person Authorized to Sign

3. Name of Person Authorized to Sign on Behalf of Assignee: Teresa J. Welch
 Title of Person Authorized to Sign: Attorney of record

(complete the following, if applicable)

- ☒ I, the person signing below, aver that I am empowered to sign this statement on behalf of the assignee.

Basis of Assignee's Interest

Ownership by the Assignee is established as follows:

- A. 1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at: Reel 7498, Frame 0210.
2. ☐ An assignment (document) separately being submitted for recordal herewith.
- Or
- B. ☐ A chain of title from the inventor(s) to the current assignee as shown below:
1. From _____ to _____, recorded in PTO at Reel _____, Frame _____
2. From _____ to _____, recorded in PTO at Reel _____, Frame _____
- (check item below, and add details, if applicable)*
- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.

Copies of Documents in Chain of Title

(complete this item if copies are being sent)

- ☒ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:
- | | | |
|---------------------------------------|---------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> A | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 2 |
| <input type="checkbox"/> B | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 |

Declarations

I, the undersigned, have reviewed all the documents in the chain of title of the
☒ patent application; ☐ patent; ☐ reexamination; or ☐ reissue
matter identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such will false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 29 June 1998

Signature of Assignee

(Type or print name of authorized person)

(Title of authorized person)



SIGNATURE OF ATTORNEY

Teresa J. Welch

(Type or print name of attorney)

Reg. No. 33,049

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